



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Washington, D.C. 20231

09/016,139

SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO.

EXAMINER

ART UNIT | PAPER NUMBER

16

DATE MAILED:

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

David Fitzgerald (PTO)

Mark Ellinger (atty.)

Date of interview: **18 August 2000** Type: Telephone/fax Personal (copy is given to [] applicant [] applicant's representative)Exhibit shown or demonstration conducted: [] Yes No Attachment(s): [] Yes No

If yes for either, brief description:

Agreement [] was reached with respect to some or all of the claims in question was not reached.

Claims discussed: Identification of prior art discussed:

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner called to suggest importing antibody claims from divisional application serial no. 09/058,429 into this application. A notice of abandonment was recently mailed in the '429 application, although the examiner noted that a review of that file showed procedural missteps on the part of both the PTO and applicant. It was the examiner's opinion that it would be simpler and more expedient to examine all of the claims concurrently in this application than to attempt to rectify the procedural errors in the other.

Mr. Ellinger was receptive to the examiner's suggestion and indicated that he would consult his client. The examiner asked that if antibody claims are to be brought in, a preliminary amendment be filed within about 1-1½ weeks.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph below has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1-7 enumerated in M.P.E.P. § 713.04). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

2. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections, and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the substance of the interview unless box 1 above is also checked.